

Orange County

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JPL Sued Over Toxic Waste

■ **Courts:** Neighbors charge that poor disposal practices from 1940s through '60s caused cancer cases. Lab officials deny all allegations.

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PASADENA—The Jet Propulsion Laboratory, basking in the international spotlight for its Pathfinder mission to Mars, is targeted in a lawsuit that alleges the lab's past chemical disposal practices caused cancer in dozens of local residents.

The lab vehemently denies the charges. The plaintiffs' lawyers cite what they describe as JPL's history of polluting during the 1940s, '50s and '60s, a time when toxic solvents were routinely dumped in cesspools at the site. In 1992, the 179-acre facility was placed on the Environmental Protection Agency's Superfund list of contaminated areas needing cleanup.

The suit is part of a burgeoning field of environmental litigation—dubbed toxic torts—that has flooded the courts over the last two decades. These mammoth, high-stakes lawsuits often pit huge businesses or research facilities against plaintiffs' lawyers who may spend millions of dollars of their own money to make their cases.

The lawsuits often contrast emotion-charged fears of disease with ostensibly dry, methodical scientific reasoning. In the JPL case, plaintiffs believe an institution of local pride "stabbed us in the back," in the words of one former La Canada resident with Hodgkin's disease, the type of cancer shared by many plaintiffs.

Tom Girardi, one of the plaintiffs' lawyers, said: "You [had] all these guys over there who are putting rockets into orbit, they know the property of every chemical in the world . . . and they decide 'Let's dump it in the water table.' It's inexcusable."

The lawsuit alleges that JPL discharged toxic materials into the ground, ground water, sewers and air, exposing the plaintiffs to the materials through the water supply and air.

It was filed in January on behalf of three

plaintiffs, two former La Canada women suffering from Hodgkin's disease and the mother of a third woman who died in 1989. Clifford H. Pearson, one of their attorneys, said 31 others who have been found to have cancer or whose family members have died of cancer have petitioned the court to join the suit. All of the potential plaintiffs are La Canada or Altadena residents and 14 of them represent Hodgkin's cases.

The case is in its infancy and could take years to settle or go to trial.

JPL says science is on its side. "I don't really understand why these folks are even pressing the suit," said Charles Buri, manager of JPL's environmental affairs office. "The medical literature doesn't even show a chemical link with Hodgkin's."

For the plaintiffs' case to succeed, their lawyers must demonstrate not only that the laboratory polluted, but that the plaintiffs were exposed to the pollution in sufficient levels that it caused their cancers.

The exposure allegedly occurred 20 to 30 years ago, before regular environmental testing was required to determine the presence of toxic chemicals in local water supplies. So each side is preparing to mount costly cases arguing radically different interpretations of chemical events decades ago.

"Ultimately," said Ernie Getto, a Los Angeles lawyer who defends companies against toxic torts, "these cases are about science and its limitations."

JPL officials say they did not keep detailed documentation on all disposal processes, especially during the facility's early years, the 1940s and '50s. JPL officials said it was common practice during those decades for each lab building to dispose of sewage and chemical wastes in the cesspool pits, which seeped into the ground.

The city of Pasadena, whose water wells are downstream from JPL, was never pleased with this arrangement, according to memos obtained by The Times. As early as 1948, memos from Pasadena engineers requested that JPL dispose of its waste through city sewers for fear that chemicals and human waste might contaminate the local water supply.